

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT MANUS and NANCY MANUS,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 1:10-cv-1162 WDS/DJS
	)	
DUPUY ORTHOPAEDICS, INC. and	)	
JOHNSON & JOHNSON,	)	
	)	
Defendants.	)	

**ORDER QUASHING ORDER TO SHOW CAUSE**

This matter is before the Court on its Order to Show Cause [Doc. 5], filed April 12, 2011, and Plaintiffs' Response to Order to Show Cause [Doc. 8], also filed April 12, 2011. The Court issued the Order to Show Cause because no activity had occurred in the case since it was filed on December 7, 2010. In their timely response to the Order to Show Cause, Plaintiffs report that they served Defendants on December 14, 2010, but inadvertently failed to file the returns.

The returns have now been filed. [Docs. 6, 7.] Furthermore, in correspondence delivered to the undersigned's chambers, Plaintiffs' counsel further explained that they anticipated this case would be removed to the Panel on Multidistrict Litigation.

The Court concludes that Plaintiffs have adequately shown cause why the case should not be dismissed at this time. Accordingly, the Order to Show Cause will be quashed. However, the Court notes that if Defendants were properly served as Plaintiffs report, then absent an extension, Defendants' answer is overdue by four months. Plaintiffs are admonished that unless the case is stayed, it cannot remain on the docket indefinitely without progress. Plaintiffs shall therefore take steps to move the case forward within 60 days.

**IT IS ORDERED** that the Order to Show Cause [Doc. 5] is hereby **QUASHED**.



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DON J. SVET  
United States Magistrate Judge